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Application No. 10/622,919

REMARKS

The above-identified patent application has been reviewed in light of the Examiner's Action dated March 24, 2004. Claims 1, 3, 7, 8, 11, 14, 17 and 19 have been amended, and Claim 2 has been canceled, without intending to abandon or to dedicate to the public any patentable subject matter. Claims 23 and 24 are new. Accordingly, Claims 1 and 3-24 are now pending. As set out more fully below, reconsideration and withdrawal of the rejections of the claims are respectfully requested.

Claims 1, 2, 3, 5, 9, 10, 12, and 13-16 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent No. 3,062,421 to Fleming ("Fleming"). In order for a rejection under 35 U.S.C. §102 to be proper, each and every element as set forth in a claim must be found, either expressly or inherently described, in a single prior art reference (MPEP §2131). However, each and every element of the claims rejected under Section 102 cannot be found in Fleming. Therefore, reconsideration and withdrawal of the rejections of Claims 1, 2, 3, 5, 9, 10, 12, and 13-16 are respectfully requested.

The claims rejected as anticipated are generally directed to a fishing line container assembly that comprises a fishing line compartment. The fishing line compartment includes one or more straps that are usable to join spools of fishing line to the flap of the compartment. In accordance with embodiments of the invention as claimed, a strap may be placed in a closed state to join the spool to the flap, while allowing the flap to be opened and closed as desired. Accordingly, embodiments of the claimed invention facilitate access to spools of fishing line, while maintaining those spools of fishing line in a defined relationship with respect to the container assembly.

More particularly, Claim 1 recites a fishing line container assembly comprising a fishing line compartment. The fishing line compartment includes a first flap having an outer area and an inner area. In addition, Claim 1 recites "at least a first strap having an attached end interconnected to said inner area of said first flap and an attaching end, wherein said first strap has an open state and a closed state." As further recited by Claim 1, the first strap is "usable to

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join a first spool to said first flap when said first strap is in said closed state, and wherein in said closed state said attaching end is interconnected to said inner area of said first flap." Accordingly, the strap is interconnected to the inner area of the first flap, and an attaching end of that strap can be placed in a closed state, in which it is interconnected to the inner area of the first flap and in which it is usable to join a first spool to the first flap.

The Fleming reference is generally directed to an angler's fish and tackle container. The container includes two strap supported containers. (Fleming, col. 1, ll. 7-11.) The second container has an inner wall formed from a fixed portion 10 and a movable portion 12 interconnected by a hinge 14. (Fleming, col. 2, ll. 3-7; Fig. 2.) A strap 16 fastened to the stationary portion 10 and a buckle 18 fastened to the cover or movable portion can be interconnected to maintain the movable portion 12 in a closed position. (Fleming, col. 2, ll. 7-10; Fig. 2.) Accordingly, the container described by Fleming has a movable flap joined to a fixed flap by a strap that, when closed, has one end that is interconnected to a fixed portion of an inner wall and another end that can be interconnected to a movable flap 12 to secure the movable flap. Fleming does not describe a container assembly as recited by Claim 1. For instance, Fleming does not describe a first strap having an attached end that is interconnected to an inner area of a first flap and an attaching end that is interconnected to the inner area of the first flap when the strap is in a closed state. Instead, Fleming describes a container with a strap that has one end attached to a fixed flap and a second end attached to a different, movable flap. Furthermore, the strap 16 and buckle 18 discussed by Fleming are, in a fastened state, intended to prevent the movable flap 12 from opening. Accordingly, Fleming does not describe a strap that, in a closed state, has an attached end and an attaching end that are interconnected to an inner area of a first flap, as recited by Claim 1. Therefore, for at least these reasons, Claim 1 and Claims 2, 3, 5, 9, 10 and 12-16, which depend from Claim 1, are not anticipated by Fleming, and the rejections of these claims should be reconsidered and withdrawn.

Claims 4, 6-8, 11 and 17-22 stand rejected under 35 U.S.C. §103 as obvious. In particular, Claim 4 stands rejected over Fleming in view of U.S. Patent No. 4,759,963 to Uso Jr.

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et al. ("Uso"), Claims 6-8 and 11 stand rejected as being unpatentable over Fleming, and Claims 17 through 22 stand rejected over U.S. Patent No. 2,999,621 to Kiser ("Kiser") in view of U.S. Patent No. 1,201,769 to Schloss ("Schloss"). In order to establish a prima facie case of obviousness under Section 103, there must be some suggestion or motivation to modify the reference or to combine the reference teachings, there must be reasonable expectation of success, and the prior art reference or references must teach or suggest all of the claim limitations (MPEP §2143.) As described in greater detail elsewhere herein, the prior art references, whether considered alone or in combination, do not teach, suggest or disclose a fishing line container or a method for facilitating use of fishing line that includes a strap as generally recited by the pending claims. Accordingly, the rejections under 35 U.S.C. §103 should be reconsidered and withdrawn.

Claim 4 depends from Claim 1 and recites that the first strap includes a Velcro® strap. The Office Action cites to Uso for showing a Velcro® strap used to retain fishing equipment. However, even if the proposed combination of Fleming and Uso is proper, such a combination would not teach, suggest or disclose each and every element of Claim 1. In particular, as described in greater detail above, the Fleming reference does not teach, suggest or disclose a strap that, in a closed state, has both an attached and an attaching end that are interconnected to the inner area of a first flap. Instead, Fleming discusses a strap that, in an attached state, has an end interconnected to a movable flap and another end interconnected to a fixed flap or panel. Furthermore, the Uso reference does not supply the elements missing from the disclosure of Fleming. In particular, Uso discusses a fishing pole fastening device that features a band of non-stretchable material having a Velcro® fastening mechanism to secure the two ends together that is permanently attached crosswise to an elasticized band having a Velcro® fastening mechanism to secure the two ends of that band together. (Uso Abstract.) Accordingly, the rejection of Claim 4 as obvious should be reconsidered and withdrawn.

Claims 6-8 and 11 generally depend from Claim 1. As noted above, the Fleming reference does not anticipate Claim 1. Furthermore, Fleming does not teach, suggest or disclose

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each and every element of Claim 1, or dependent Claims 6-8 and 11. More particularly, the strap discussed by Fleming functions to interconnect a movable flap 12 to a fixed flap or wall 10. Accordingly, the strap 16, 18 has one end that is fixed to the movable flap 12 and another end that is fixed to the fixed flap or wall 10. Furthermore, there is no suggestion to modify Fleming such that the strap would have an attached end and an attaching end interconnected to the inner area of a first flap in a closed state. In particular, such an arrangement would defeat the purpose of the strap disclosed by Fleming, as it could then no longer function to maintain the movable flap 12 in a closed state.

Claims 17-22 are generally directed to a method for facilitating use of fishing line by a fisher. In particular, Claim 17 recites "providing at least a first spool having a bore and fishing line; [and] inserting a strap through said bore." As amended, Claim 17 additional recites "establishing a closed state . . . wherein at a first section between said bore and an outer circumference said spool is held by said strap . . . , and wherein at a second section between said bore and said outer circumference that is opposite said first section said spool is free from said strap."

The Kiser reference is generally directed to a foldable tackle box. Arms 46 have one end secured to a surface of a tray 28. The free end of each arm 46 is parallel to and spaced outwardly from the sheet 42, and the arms 46 of each set are laterally spaced with respect to one another. (Kiser, col. 3, ll. 17-27.) Accordingly, the arrangement discussed by Kiser holds a spool of line in position by providing a pair of arms 46 that act against a first planar side surface of the spool such that the second planar side surface of the spool is held against the surface of a tray (sheet 42).

The Schloss reference is generally directed to a display mount. Initially, Applicant notes that the Office Action does not provide any motivation for combining the display mount of Schloss, which is related to merchandise display mounts or cards, with the foldable tackle box discussed by Kiser. Furthermore, even if the proposed combination is proper, such a combination does not teach, suggest or disclose each and every element of Claims 17 through 22.

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In particular, the display mount of Schloss discusses two pairs of slits that are parallel to one another and separated by a distance corresponding to the diameter of the annular article of merchandise to be supported in place (Schloss, ll. 41-46.) An elongated tongue is threaded through the slits to frictionally retain the article in place. (Schloss, ll. 50-55; Figs. 2 and 3.) Schloss notes that "the only essential being that there shall be two points of attachment which shall respectively lie between the slits 2, 2^a and 3, 3^a." (Schloss, ll. 60-63; Fig. 1.) Accordingly, Schloss does not teach, suggest or disclose inserting a strap through the bore of a spool and establishing a closed state, wherein the spool held by the closed strap at a first section and wherein at a second section opposite the first section the spool is free from the strap, as recited by Claim 17. Instead, Schloss requires that the described tongue be threaded through slits such that there are two points of attachment opposite one another with respect to the article to be held.

As set forth above, even if the Kiser and Schloss references are combined, they do not teach, suggest or disclose each and every element of Claims 17-22. Accordingly, for at least these reasons, Claims 17-22 are not obvious, and the rejections of these claims should be reconsidered and withdrawn.

New Claim 23 depends from Claim 17, and recites that in the closed state the first surface of the strap at a first location along the strap is adjacent the first surface of the strap at a second location along the strap. Claim 24 also depends from Claim 17, and recites that, in the closed state, the strap encloses an area having a length that is less than a diameter of the first spool. Such limitations are not taught, suggested or disclosed by the cited references. Therefore, Claims 23 and 24 should be allowed for reciting this additional patentable subject matter, in addition to being allowable for the same reasons that Claim 17 is allowable.

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The application now appearing to be in form for allowance, early notification of the same is respectfully requested. The Examiner is invited to contact the undersigned by telephone if doing so would expedite the resolution of this case.

Respectfully submitted,

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